

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 17, 1977

7:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Absent: None

The Invocation was delivered by REVEREND B. C. SCHMIDT, First United Methodist Church.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for the Special Meeting March 1, 1977, and the Regular Meeting March 10, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

EXECUTIVE SESSION

Mayor Friedman announced that Council had met in Executive Session earlier in the evening to discuss several legal matters pending litigation. No decisions based on the discussions were made. Also, the following appointments were made to Boards and Commissions:

Environmental Board

Councilmember Hofmann moved that the Council appoint Dr. Robert Finley to fill an unexpired term, until June 30, 1977, on the Environmental Board. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman  
 Noes: None

Dental Health Advisory Committee

Councilmember Trevino moved that the Council appoint the following for a one-year term ending March 14, 1978, to the Dental Health Advisory Committee:

Dr. Albert Tata	dentist
Mr. James Leon	CDC
Ms. Margaret Loera	CDC
Mrs. Vernell Lee	CDC
Rev. Willard Southerland	CDC
Dr. A. Edwin White	dentist
Dr. Sidney White	dentist
Dr. James Glenn	dentist
Ms. Herma Dawson	AISD
Ms. Penny Terrell	dental hygienist

The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell  
 Noes: None

General Assembly of the Capital Area Planning Commission

Councilmember Himmelblau moved that the Council appoint Ada Anderson as citizen's representative to the General Assembly of the Capital Area Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
 Noes: None

Ethics Review Commission

Councilmember Linn moved that the Council appoint Colin J. Carl to an incumbent vacancy on the Ethics Review Commission which expires July 1, 1979. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
 Noes: None

## MUNICIPAL COURT JUDGES

Mayor Friedman said that in accordance with the recently passed ordinance concerning Municipal Court the Council had discussed appointments to the Court during the Executive Session.

Mayor Pro Tem Snell moved that the Council approve the following Municipal Court appointments:

Sarah P. Denton, Presiding Judge	Judge of Court 1
Alberto Garcia	Judge of Court 2
Mark Schreiber	Judge of Court 3
Harriet Murphy, Floating Docket Court	Judge of Court 4

The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
 Noes: None

## POISON PREVENTION WEEK

A proclamation read by Mayor Friedman proclaiming March 20-26, 1977, as Poison Prevention Week, urged the cooperation of all citizens in a coordinated campaign to reduce the threat of accidental poisoning. The proclamation was accepted by Carol Fisher, President of the Capital Area Pharmaceutical Association with thanks to Mayor Friedman for setting aside the week.

## KUT-WEEK

Mayor Friedman presented a proclamation to Bill Giorda, station manager of KUT-FM. It proclaims the week of April 17-24 as KUT-WEEK, and urges all citizens to tune to radio station KUT for listening pleasure. Mr. Giorda extended his thanks to Mayor Friedman for issuing the proclamation on the station's behalf.

## ELECTRIC RATES

Mrs. Shudde Fath appeared before the Council to discuss Austin's electric rate and request consideration of an Electric Rate Ordinance, as she had before the Council during the March 10, 1977, meeting. She again urged the exercise of Council responsibilities regarding electrical rates. She said she was asking the Council to request the City administration to calculate the effect on all rate payers of flat rates during the 12-month period ending on February 28, 1977. (Using 1975-76 fiscal year rate figures) The fuel charges should be omitted and then see what effect it would have had on all the consumers. She was also asking that these figures be used for the first five months of this fiscal year and find out the results on the consumer. She said this information could be reported back to the Council during their meeting on March 24, 1977, because the City has the capability, with its computers, to run the rates through in a short period of time.

Motion - Died

Councilmember Linn made a motion that Mrs. Fath's request be forwarded to the City Electric Department for their review. The motion died for lack of a second.

Mrs. Fath said she had one more request and was asking the Legal Department to draw up an electric rate ordinance that includes an interim flat rate to all customers with the single exception of a grandfather clause to all customers using resistance heating during November to April; a realistic monthly minimum bill of \$5.00; demand meter zeroes to the new flat rate at the highest demand recorded in 1976; a revised fuel cost formula to be installed and enforced by City employees; a \$7.50 turn-on fee for existing meters that can be avoided when the old and new customers wish to comply with the proposed new procedures for jointly reading the meter to avoid a service call by the City; new service fees to cover the actual cost of installing new meters which are owned by the City; and a primary metering discount of 4% on non-fuel charges under the new qualifications.

Motion - Died

Councilmember Linn made a motion that Mrs. Fath's request for an electric rate ordinance be forwarded to the Legal Department and be brought back March 24, 1977. The motion died for lack of a second.

## RELEASE OF EASEMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easement:

Portions of Drainage, Public Utilities and Electric Easements in Lots 3 through 12, Block B and Lots 4, 5, 16, and 17, Block A, Parker Heights, Section One, a subdivision in City of Austin, Travis County, Texas. (Requested by W. Harvey Smith, Registered Public Surveyor representing C.L.R. Development Company, Incorporation, owners of Parker Heights, Section One)

The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a Public Utilities Easement in Lot 5-A, The Juby Subdivision in the City of Austin, Travis County, Texas, also known as 7417 North Lamar Boulevard. (Requested by Mr. Steven L. Hagey, Builder, representing Mrs. Homer Harrison, owner of Lot 5-A)

The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easement:

Public Utilities Easements in, upon and across Lot 13, Enfield "G" a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. James Nolen, President of Nolen & Associates)

The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

#### AWARDING OF CONTRACTS

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

C L SYSTEMS, INC.  
81 Norwood Avenue  
Newtonville, Massachusetts

- Lease/Purchase and Related Services;  
Computer Equipment and Peripheral,  
Library.  
Item 1 (Phase I) @ \$4,083.00/month or  
\$24,498.00 through remainder of fiscal  
year 1976-77; Items 2 & 3 (Phase II &  
III), execute 5-year hardware and soft-  
ware, maintenance agreement for Phases  
I, II, & III (Items 4, 5, & 6), and  
exercise purchase options.

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

ROBERT HURST  
9741 Highway 290 East  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, William  
Cannon Drive, 16" CSC Water Line to  
help upgrade the water system in South-  
west Austin Area - \$71,094.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

FIRE APPLIANCE COMPANY OF TEXAS - Fire Fighting Bunker Coats and Pants,  
1708 East Scott Fire Department.  
Wichita Falls, Texas Item 1 and 2 - \$5,281.70

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contracts:

Bid Award: - Herbicides, Parks and Recreation  
Department

GULF COAST AGRICULTURAL & TURF - Item 1 and 2 - \$8,571.95  
SUPPLY  
Route 2, Box 57-B  
Anahuac, Texas

CHEMICAL & TURF SPECIALTY - Items 3 and 4 - \$2,671.50  
10211 Plano Road  
Dallas, Texas

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contracts:

K & L SERVICES, INC. - CAPITAL IMPROVEMENTS PROGRAM, Givens  
6516 Adair Drive Recreation Center - \$982,158.00.  
San Antonio, Texas

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

MAUFRAIS BROTHERS, INC. - CAPITAL IMPROVEMENTS PROGRAM, Police  
P. O. Box 2114 Vehicle Service Facility - \$495,800.00  
Austin, Texas

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

CHANCE MANUFACTURING COMPANY 4219 Irving Wichita, Kansas	- CAPITAL IMPROVEMENTS PROGRAM, Buses for Mobility Impaired. Three Transit Buses for Elderly and Handicapped, Urban Transportation Department. Item 1 - 3 ea. @ \$68,826.00 Total \$206,478.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

INTERNATIONAL PAPER COMPANY 4140 Southwest Freeway Houston, Texas	- Twenty-four Months Supply Agreement, Wood Utility Poles, Electric Department. Item 1-16; Est. \$482,991.75.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

NORTH INTERREGIONAL GARDEN CENTER 10906 North Interregional Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Vegetation Restoration, Native Grasses for Bull Creek Wastewater Interceptor - \$18,816.80.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

## AUSTIN HIGH TENNIS CENTER

Councilmember Linn moved that the Council adopt a resolution to select the firm of AUSTIN DESIGN ASSOCIATES to perform architectural services for the Austin High Tennis Center (Capital Improvements Program). The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: Councilmember Lebermann

## GIVENS PARK GROUNDBREAKING

Mayor Friedman told the Council and audience in the Council Chambers that the groundbreaking ceremonies for Givens Park are scheduled for March 27, 1977.

## NATURAL SCIENCE CENTER ALTERATIONS

Councilmember Linn moved that the Council adopt a resolution to select JOHN ALLEN, Architect, to provide architectural services for the Natural Science Center Alterations, Mayfield Park Improvements, Twelfth Street Maintenance Yard Alterations (Capital Improvements Program). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

## TOWN LAKE AND FIESTA GARDENS IMPROVEMENTS

Councilmember Linn moved that the Council adopt a resolution to select TRINITY ENGINEERING TESTING CORPORATION for Restrooms at Town Lake and Fiesta Gardens and Improvements at Zilker Hillside Theater (Capital Improvements Program). The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

## ARCHITECTURAL AGREEMENT AMENDMENT

Councilmember Linn moved that the Council adopt a resolution to amend a current Architectural Agreement with COFFEE & CRIER for providing additional Architectural Services for the construction of Town Lake Restrooms, Fiesta Gardens Restrooms, South Austin Recreation Center Restrooms, Buttermilk Creek Park Restrooms, Zilker Hillside Improvements (Capital Improvements Program). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

## LIGHTING AND PRO SHOP

Councilmember Linn moved that the Council adopt a resolution to select the firm of STAPP-HAMILTON, INC. for the Engineering Testing Services for lighting and pro shop at the Austin High Tennis Center (Capital Improvements Program). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

## TRAFFIC SAFETY GRANT

Councilmember Trevino moved that the Council adopt a resolution to authorize the submission of an application for a Traffic Safety Grant in the amount of \$2,518.00 to the Texas Departments of Highways and Public Transportation, Office of Traffic Safety, for police training. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize submission of an application for a Traffic Safety Grant in the amount of \$1,230.81 to the Texas Departments of Highways and Public Transportation, Office of Traffic Safety, to allow participation in the Third National Forum on Traffic Records System to be held in Memphis, Tennessee. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

## JOHNSON CREEK DRAINAGE PROJECT

Councilmember Linn moved that the Council adopt a resolution to authorize the acquisition of certain land for the Johnson Creek Drainage Project (Capital Improvements Program):

(All of Lot 34, Tarrytown Oaks [28 Margranita Crescent]  
Robert Morgan et ux Diane Morgan)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None

## CONDEMNATION PROCEEDINGS

Councilmember Himmelblau moved that the Council adopt a resolution to authorize condemnation proceedings to acquire the following tract of land for Georgian Drive Project:

368 square feet out of Lot 5B, Resubdivision of Lot 5, Block C, Georgian Acres. (Owner: Julius A Kutach, et ux)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize institution of condemnation proceedings to acquire the following tract of land for MOPac Boulevard:

0.28 of one acre of land out of Lot 1, Wayne Moore Subdivision.  
(Owner: R. Wayne Moore)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Abstain: Councilmember Linn

## SOUND ORDINANCE AMENDMENT

This was an emergency measure, effective immediately.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 23-13 OF ARTICLE I OF CHAPTER 23 OF THE AUSTIN CITY CODE OF 1967 BY PROVIDING THAT A PERMIT FOR THE USE OF SOUND DEVICES WITHIN THREE HUNDRED (300) FEET OF A SCHOOL, CHURCH, HOSPITAL OR SIMILAR INSTITUTION MAY BE ISSUED IF THE WRITTEN PERMISSION OF THE SCHOOL, CHURCH, HOSPITAL OR SIMILAR INSTITUTION IS OBTAINED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## STREET CLOSING FOR SPRING FLING

Mayor Friedman asked if something had been worked out concerning the street closing between the vendors and the Pi Phi sorority for the Spring Fling Welcoming Spring Equinox Street Party. Fleet Starbuck, representing the vendors, said there had been an agreement. They wanted to close the first block only of the vendors' market and set up the music on the church property. He presented a letter to the Council from John Camden, Financial Secretary of the Congregational Church of Austin. The letter reads as follows:

"The Congregational Church of Austin approves the use of sound equipment on our church property Saturday and Sunday, March 19 and March 20, 1977. s/John Camden, Financial Secretary."

The Sound Ordinance was just amended, said Mayor Friedman, therefore a permit for the street closing can be issued.

Councilmember Lebermann moved that the Council adopt a resolution to temporarily close the 400 block of West 23rd Street, from 12:00 noon until 10: p.m., March 19 and 20, 1977, for the Spring Fling Welcoming Spring Equinox Street Party, Guadalupe to San Antonio only. (Alternate dates: March 26 and 27, 1977 in the event of rain) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

## PROPOSED TENNIS TOURNAMENT FEES

Mr. David Segrest, Parks and Recreation Department, told the Council that in response to some requests they had had from the Tennis Advisory Board, the Capital Area Tennis Association, and Austin Women's Tennis Association, the Parks and Recreation Department has reviewed some of the fee structures. He said that in working together they had come up with some recommendations and adjustments to the fee structure:

1. Rescind tournament fees from current \$2.00 for resident and \$3.00 for non-resident to \$1.50 for resident and non-resident adults; and the junior fee be set at 60 cents for both resident and non-resident instead of the current \$1.25 for residents and \$2.00 for non-residents.
2. Non-primetime fee card would be \$50.00 from 8 a.m. - 2 p.m., Monday through Friday for 180 days, September through May.

Mr. Segrest said these suggestions had been reviewed by the Parks and Recreation Board. They concur with recommendations for the tennis fees, but they recommend that the 6-month fee structure be set at \$35.00 because they felt the \$50.00 fee might discourage a significant amount of people so that there really would be no gain.

Councilmember Himmelblau asked if there was no differentiation between resident and non-resident on the non-prime-time fee. Mr. Segrest answered in the negative. She commented she understood this on tournament time but could not understand it on this type. Councilmember Linn said she thought this seemed like a place where there should be a non-resident fee charged. Mr. Segrest said that in the terms of a 180-day permit, it probably would be reasonable to have a non-resident fee. From the individual court fee user, he continued, it is a very cumbersome process to evaluate everyone who plays. Councilmember Himmelblau said she had no objection to the tournament or daily fees, but felt the 180-day fee should be on a resident, non-resident basis. Mr. Segrest said if the Council wanted to have a separate fee for non-residents, they would have no problem with it. Councilmember Linn asked for clarification of what was requested. Mayor Friedman said they could charge \$35.00 for residents and \$60.00 for non-residents non-prime-time fee.

PHIL MOSS, representing the Capital Area Tennis Council, said they operate six tournaments during the year. In addition, he said, they work with the Parks and Recreation Department promoting junior tennis and issuing news to the tennis players. He continued that in order to survive, it was necessary for them to make a small profit on tournaments since they are the principle source of their revenue. He said the fee for tournaments around the state are \$5 to \$6 for adults. He said they cannot break even with the fee structure as it now is and recommends the adoption of \$1.50 for adults and 60 cents for juniors.

Councilmember Linn moved that the Council roll back tournament fees to 60 cents for juniors, \$1.50 for adults and eliminate non-resident and resident fee differentiation; and establish a 180-day non-prime-time fee card with a charge of \$35.00 for residents and \$60.00 for non-residents. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

#### FIRE PREVENTION AND TRAINING ACADEMY SITE

At 7:30 p.m. Mayor Friedman opened the public hearing on consideration of locating a Fire Prevention and Training Academy on park land adjacent to the Krieg Softball Complex and fire drill tower on Pleasant Valley Road at South Lakeshore Drive.

Mr. Joseph Morahan of the Property Management Department presented the following report:

"The current Capital Improvements Program includes funding for the construction of a Fire Prevention and Training Academy. The tentative site for this facility was to be approximately one acre out of the 8.9-acre City-owned tract at the southwest corner of Pleasant Valley Road and South Lakeshore Drive. One of the primary reasons for locating the facility in this immediate area was to be near the existing drill tower located on the parking lot of the Krieg softball complex across Pleasant Valley Road.

March 17, 1977

A portion of the 8.9-acre tract has been leased to Travis County for its Farmers Market project. That lease extends to April 30, 1979. At the time the lease was approved, the City Council indicated that it might want to consider dedicating the entire 8.9-acre tract as park land to be effective upon termination of the County's lease. We have delayed bringing the matter of park dedication back to the Council in order that the Council might be made aware of the plans for the fire training facility and the alternate location therefor.

One possibility is to locate the proposed facility on a different portion of the 8.9-acre tract, perhaps with frontage on Pleasant Valley Road. Another possibility would be to try to purchase a one-acre site in this general vicinity; however, we believe the best alternative is to locate the facility adjacent to and on the north side of the ball field and drill tower complex and, in exchange therefor, dedicate the entire 8.9-acre tract for park purposes. The proposed location of the facility is shown on the attached map.

The softball and drill tower complex occupies only a small part of a 63-acre tract that extends northward to the Colorado River. The entire tract is considered to be park land by reason of its inclusion and designation in the 1968 Town Lake Comprehensive Development Plan. The entire 63-acre tract and the 8.9-acre tract were both purchased with utility funds. We do not ordinarily consider the use of park land for non-park facilities; however, in this case there are a number of factors that we feel justify consideration of this site:

1. Locating the new building adjacent to the existing parking lot and drill tower creates a more unified training facility.
2. Safety is considerably improved by eliminating the need to cross Pleasant Valley Road.
3. This particular park land is adjacent to a recreational complex of paved parking areas, ball fields, structures, fences and light poles, rather than being a tree-and-grass-covered, scenic open area.
4. Both the City Council and the Planning Commission have addressed the need to use existing land and develop joint facilities where possible. There may be advantages both to the training center and to the recreational complex from a joint usage in this particular case.
5. The park land utilized by the training center would be replaced with a substantially larger amount of equally valuable land.

The Parks and Recreation Board considered this proposal at its meeting of January 3, 1977, and voted unanimously to recommend Council approval of the site adjacent to the Krieg complex and the dedication of the 8.9-acre tract as park land.

The Construction Management Department can provide preliminary information about the proposed structure. The size and shape of both the structure and the site shown on the map are only tentative and are subject to final design.

Since the proposed site for this training facility is park land, it would require a public hearing and finding in accordance with Article 5421q, Vernon's Texas Civil Statutes. Also, it would be advisable to obtain the approval of Housing and Urban Development since the ball field complex was developed under a grant. It is likely that the proposed facility would also require a special permit.

If the City Council is in general agreement with this proposal, it should proceed to set the required public hearing."

Mayor Friedman asked Mr. Morahan, if, since he had reviewed the land area the City has at its disposal, there were any other suitable sites available. Mr. Morahan said they knew of none. Mayor Friedman also asked if planning in this area was done to minimize any harm to the land. Mr. Morahan said it was. Mayor Friedman ascertained from Mr. Morahan that the land was best used for this program, and that what they wanted was authorization and approval from the Council to locate the academy in the requested site, and then authorization to approach HUD.

Councilmember Lebermann moved that the Council close the public hearing and approve the upholding of the decision of the Parks and Recreation Board and grant the use of park land for the fire facility. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None

#### TRANSMISSION AGREEMENT

Councilmember Linn moved that the Council adopt a resolution to enter into a Fayette County Project Transmission Agreement with the Lower Colorado River Authority. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

#### CONTRACT EXTENSION OF HOSPITAL AND HEALTH CARE STUDY

Councilmember Himmelblau moved that the Council adopt a resolution to extend the contract with PEAT, MORRICK, MITCHELL & COMPANY and authorized the firm to proceed with Phase II of the Study on Hospital and Health Care Systems. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

## HEARING SET - HCD GRANTS

Councilmember Linn moved that the Council adopt a resolution to set a public hearing on Housing and Community Development needs for the third year HCD grant application for March 24, 1977, at 10:30 a.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

## PLACING OF EMERGENCY ITEMS ON AGENDA

Councilmember Trevino moved that the Council adopt the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the procedure herein announced shall govern the placement of emergency items on the City Council Agenda.

1. No item shall be placed on the City Council agenda as an emergency unless:
  - a. At least two members of the City Council notify the City Clerk in writing that they desire the item be placed on the Agenda as an emergency; and,
  - b. The City Clerk has been notified by the City Attorney that there is no legal prohibition to placing the item on the Agenda as an emergency.
2. The City Clerk shall prepare an Agenda Addendum for the emergency item and shall indicate thereon the names of the Councilpersons who requested the emergency item.

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

## VOTING DEVICES

Councilmember Trevino moved that the Council adopt a resolution to authorize the City Manager to enter into an agreement with Travis County to utilize voting devices for City elections. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

## JIMMY CLAY GOLF COURSE IRRIGATION

The Council had before it the amendment of the 1976-77 Operating Budget to appropriate \$10,000 from the Golf Capital Projects fund for a pump facility to provide irrigation water to Jimmy Clay Golf Course. Mayor Friedman wanted to know where the \$10,000 was coming from. Jorge Carrasco, Research and Budget, said the monies are available in the Golf Capital Projects Fund which collects revenues for capital projects situated in golf courses. Mayor Friedman asked if this would reduce the ending balance. Mr. Carrasco said it would not.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760927-A, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1976, AND TERMINATING SEPTEMBER 30, 1977, BY APPROPRIATING \$10,000 FOR A PUMP FACILITY TO PROVIDE IRRIGATION WATER TO JIMMY CLAY GOLF COURSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

The Mayor announced that the ordinance had been finally passed.

## ESCORT SERVICE FEES FOR HOUSE MOVES

The Council considered an Ordinance amending Section 31-9 of the City Code to establish escort service fees for house moves and oversize loads and to revise the required deposit for house moves. The amendment was requested by Councilmember Hofmann. She said there was considerable expense involved to the City and we should not overlook revenue that could be gained. Councilmember Trevino asked how much deficit the City now had because of house moves. Jorge Carrasco, Research and Budget, said that there is a deficit of \$38,000 to \$39,000. Councilmember Trevino asked if with the proposed amendment to the Ordinance we would still have a deficit of \$20,000 to \$30,000. Mr. Carrasco said that was correct and said the service would not be self-sustaining. He said the revenues generated by the fees would help to offset some of the costs. Councilmember Trevino inquired if off-duty police would be used to escort the moves. When he was told they were, he wondered if it would be a lot less expensive for the City if a private firm would be contracted as an escort by the people doing the moving. Councilmember Hofmann said the moving also involved removal of Utility lines, and Councilmember Linn asked if we could recover costs some way.

City Manager Davidson asked Police Chief Dyson if the alternative of a private firm versus City police had been considered on this type of an escort service. Chief Dyson said they had and that it could be worked out. He said it would take an Ordinance change to provide the authority to the private escort service and such an ordinance had been worked out in other cities. Councilmember Himmelblau asked if this would be something off-duty policemen would like to do to supplement income. Chief Dyson said he did not think so because there would be an equipment problem.

Mayor Friedman suggested that they bring back a change in the Ordinance changing City police escort service to private firms. He said there would still be costs involved in relocation of utilities. He explained that a whole new breakdown was needed on the cost structure as well as amendments to the ordinance authorizing private security firms to act as escorts. He said that the permit needed would almost be a parade permit. Mayor Friedman requested the City Manager to bring back the ordinance, with revisions, to the March 31, 1977 Council meeting.

#### FIELD NOTE AMENDMENT

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760415-B, ENACTED BY THE CITY COUNCIL ON APRIL 15, 1976, BY CORRECTING THE FIELD NOTES AND THE USE AND HEIGHT AND AREA DESIGNATIONS FOR THE PROPERTY DESCRIBED AS TRACT 1 OF SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (C14-75-081)

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 2, BLOCK "F," NORTHWEST HILLS, SECTION 9-F, LOCALLY KNOWN AS 3544-3624 FAR WEST BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (David B. Barrow & E. R. Barrow, C14-72-267)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Abstain: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 1.470 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1502 SPYGLASS DRIVE, AND ALSO BOUNDED BY BARTON SKYWAY, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Francis X. Bouchard, C14-76-113)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Lebermann  
Noes: Councilmember Hofmann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 4,875 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2700 WEST ANDERSON LANE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (The Village Shopping Center, C14-77-006)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately (as an emergency). The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 38, 39 AND 40, BLOCK 21, DIVISION "D," HORST ADDITION, LOCALLY KNOWN AS 2000-2004 UNIVERSITY AVENUE, AND ALSO BOUNDED BY WEST 20TH STREET, FROM "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (University Christian Church, et al, C14-76-115)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

#### PAY TOILET ORDINANCE

The Council had before it an ordinance that would eliminate pay toilets in all public buildings. City Manager Davidson told the Council that passage of this ordinance would be a \$5,200 loss of revenue spread out over the next five years. Mayor Friedman asked if there was a way of grandfathering this. Councilmember Linn said yes, there was, but it had not been recommended by the City staff.

LEONARD SCHROEDER, Continental Trailways, spoke against the ordinance. He said revenue loss was one reason and the fact that people prefer pay toilets was another. He asked the Council to hold off voting until the State Legislature acts on their bill. Councilmember Linn pointed out that this bill comes up regularly before the State Legislature. She continued that this bill had been lobbied for years. Mayor Friedman informed the Council that unless the State passes a statute that prohibits pay toilets there is nothing that can prevent the City from passing this ordinance now or any time in the future. Mayor Pro Tem Snell wondered if the State passes such an ordinance if the City will be subject to the loss of funds as they would if the City passes it. Councilmember Linn responded that if the state passes the bill, they will require a 50/50 ruling...half pay, half not pay.

PAUL SPIVEY, representing Nik-O-Lok, said the Bill introduced in the Legislature would eliminate all pay toilets and that he could support that. He said he thought the City should pass an ordinance covering public buildings.

WOODROW SLEDGE, speaking as a private citizen, said he knows there are some people who feel that if you have a nickel, quarter or dime you are more hygenic than others. He continued that he thought pay toilets are barbaric and that the ordinance was a common sense idea whose time has come.

POWERS ALBRIGHT, private citizen, indicated he was 100% against the ordinance under discussion. He thought action should be postponed until the state makes its final determination. He also thought pay toilets, as a rule, are cleaner than free toilets.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 13 OF THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW SECTION 13-12.1; PROHIBITING PAY TOILETS IN PUBLIC PLACES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### PUBLIC HEARING TO CONSIDER A SMOKING ORDINANCE

Mayor Friedman opened the public hearing scheduled for 8:00 p.m. Councilmember Hofmann stated that the ordinance was intended to ban smoking and use of tobacco in any form where food is openly displayed. She said that this would include cafeteria and buffet serving lines as well as grocery stores.

MR. JAY JOHNSON, representing the Austin Restaurant Association, spoke before the Council. He indicated that since the smoking ordinance did not amend the public health code, but instead amended the general nuisance code, there was a question as to how the ordinance would be enforced. He said that restaurant owners did not want to be obliged to put signs all over their establishments. He pointed out that they needed some specifications as to the particular size that the smoking signs should be. Also, he felt that the part of the ordinance that restricted restaurant employees from smoking on the job was redundant and did not need to be in the ordinance. Councilmember Hofmann told Mr. Johnson that the enforcement of the ordinance would be accomplished by Health Department inspectors.

MR. CHARLES KNAPP, President of the Texas Retail Grocers Association, spoke before the Council. He stated that the effected grocers in the Austin area were not consulted by the sponsors of the ordinance. Mr. Knapp asked the Council that since the ordinance had so many unanswered questions, that it request the sponsors of the ordinance to delay Council action and to open communication with the grocers and the general public. He questioned why grocers were singled out among all the other retailers such as ice cream shops and drug stores. He stated that neither the public or the Health Department has ever notified any of the grocery stores as to the problems of smoking within the stores. He said that it was not clearly defined as to what kind of establishment qualified as a grocery store. He questioned what kind of signs would be required and their size and quantity. He felt that there should be communication with the grocery industry and stated that they would like to see the Council set up a committee to work with the grocers on the development of the ordinance. Mayor Friedman asked Mr. Knapp what he thought about restricting the ordinance just to stores that display open food rather than having a general ordinance that would cover convenience stores as well. Mr. Knapp indicated that he would have no problem with that. Councilmember Hofmann asked Mr. Knapp what the ordinances in Dallas and Houston stated. He said that the one in Houston allows smoking in certain designated areas but not in preparation areas. The one in Dallas has not been finalized, and the industry is still working with the committee on it.

MR. JOE RATCLIFF, representing the Texas Wholesalers Association, spoke before the Council. He stated that the ordinance was not a result of the general public demanding that it be passed. He said that the ordinance was brought about by a few persons who wanted to stop smoking altogether and were using the guise of a health hazard to do so. He stated that their main concern was to not use the power of the state to eliminate something that some people have a personal aversion to. He said that his organization would be happy to work towards a solution to the problem. Mayor Friedman asked Mr. Ratcliff if he was familiar with the Minnesota law and he stated that he felt the law was not very enforceable and was not too unlike the prohibition of alcohol.

MS. HELEN HILL spoke in favor of the ordinance by stating that smoking was annoying to persons with lung disease who did not smoke and that it would be to the advantage of the restaurant owners to not have to sweep up ashes and cigarette butts in their establishments.

MS. ANN McAFEE, representing the Travis County Democratic Women, spoke before the Council. She proclaimed her organization's support for Councilmember Hofmann's ordinance prohibiting the use of tobacco in serving lines and grocery stores. She stated that there were 33,000 persons living in Austin with chronic lung ailments and that cigarettes were very hazardous to these persons. She also stated that the passage of the ordinance would be of benefit to store owners because it would attract business from the persons who were adverse to smoking.

MR. GENE SEIDERS, representing the Austin Retail Grocers Association, spoke before the Council. He said that enforcement of the no-smoking ordinance in food stores would present a problem for the management. He stated that the small, independent stores still left in Austin were few enough without the managers having to go up and offend some of their customers.

MR. CHARLES BURNS spoke in favor of the ordinance. Mr. Burns indicated that he suffered from a respiratory problem and that cigarette smoking was very annoying to him.

MR. MARK RUEF spoke before the Council stating that he was personally opposed to smoking, but he felt that morals should not be legislated and that over-legislation was bad for a democracy because it destroyed individual freedom.

MR. WOODROW SLEDGE felt that the ordinance spoke directly to the problem of persons smoking in serving lines. He felt that no one had a right to pollute the air he had to breathe. He stated that the ordinance may need to be worked out further with the grocery and restaurant owners.

MR. ALAN BUSSLER suggested that when the ordinance is voted upon, that the Council make the regulation the very minimum that is possible.

MR. MERRELL FRAZER asked that the Council take the following facts into consideration:

1. The American Medical Association says that at least 34 million Americans are sensitive to cigarette smoke.
2. Approximately 11% of the nation's population are afflicted by respiratory ailments enough to seek medical help.

3. A recent Swedish study showed that the risk of still births and deaths among infants was 60% higher in women who smoked during their pregnancy.
4. A German study concluded that children whose fathers smoked at least 10 cigarettes a day run a higher risk of dying at birth than the babies of non-smokers.
5. If the father is a heavy smoker, there is a greater risk of the child being born deformed.

He stated that all this implied a great deal of danger for the non-smoker who has to breathe the air polluted by smokers.

MR. ED BARKLEY spoke in favor of passage of the ordinance. Mr. Barkley felt that the ordinance could be enforced if need be.

MR. BARRON ALEXANDER felt that many smokers are cooperative persons who would not violate the law. He said that signs in public places would make it unnecessary for non-smokers to have to tell smokers to stop smoking in certain places.

MS. DOROTHY RICHTER stated that the ordinance is intended to protect the smoker and non-smoker from the unhealthy and unsanitary effects of smoke in places that must be and are frequented by smokers and non-smokers. Ms. Richter cited various State and local laws pertaining to smoking. She suggested that the non-smoking signs designated that smoking in particular areas is prohibited by the law. She also suggested that definitions for cafeteria and buffeteria be included in the ordinance.

Mayor Friedman suggested that Councilmember Hofmann meet with Ms. Richter, Mr. Johnson and Mr. Knapp to conclude the drafting of an ordinance.

Councilmember Hofmann moved that the Council close the public hearing and place consideration of the smoking ordinance on the agenda for the following week. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

#### AMBULANCE FRANCHISE

The public hearing on the Hill Country Ambulance Service Franchise request was withdrawn.

## HARLEM CAB COMPANY PERMITS

Mayor Friedman brought up the following ordinance for its first reading:

AN ORDINANCE AMENDING SECTION 1 OF AN ORDINANCE ENTITLED "AN ORDINANCE GRANTING TO HARLEM CAB COMPANY, A TEXAS CORPORATION, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED," FINALLY PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON SEPTEMBER 20, 1951, RECORDED IN ORDINANCE BOOK "Q," AT PAGES 660-662 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AS FURTHER AMENDED BY ORDINANCE NOS. 701029-C AND 750828-B; BY AMENDING SECTION 1 THEREOF PRESCRIBING THE NUMBER OF TAXICABS AUTHORIZED TO BE OPERATED, PROVIDING FOR PUBLICATION AND THREE (3) SEPARATE READINGS.

The ordinance was read the first time, and Councilmember Trevino moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

The Mayor announced that the ordinance had been passed through its first reading only. (from 38 to 48 permits)

## STAGGERED WORKING HOURS

The Council had before it a request, sponsored by Councilmember Hofmann, that the City Manager be instructed to develop a demonstration project to encourage employers and employees to adopt staggered working hours in accordance with the report of the Urban Transportation Department. Councilmember Hofmann said she felt that with the closing of the Congress Avenue bridge for repairs, it was most important that this subject be studied and acted upon. She said the report from Urban Transportation was a 70-page document.

Mayor Friedman asked questions of Mr. Ternus concerning the peak flow traffic figures of Congress Avenue south. There was also some discussion of the bottle neck at the point where MoPac flows into Balcones, and how a traffic study may improve this situation. Mr. Ternus said it would cost about \$250 to \$300 to develop a demonstration project. It would mean some additional staff time and traffic counts. Mr. Ternus introduced Margaret Brown to the Council. She is the transportation analyst in the Urban Transportation Department who put the report together. Mayor Friedman and Councilmember Hofmann thanked Ms. Brown for her work.

City Manager Davidson told the Council that if they authorized what Councilmember Hofmann suggested, his staff would be very pleased to follow up with suggested meetings with big business, the University, etc., and come up with a final report.

Councilmember Hofmann moved that the Council authorize the City Manager to proceed with the staggered working hours project. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

#### AD HOC BUILDING STANDARDS STUDY COMMITTEE

Mayor Pro Tem Snell expressed his pride in the Committee and said he just wanted to let the Council and the Committee know of his pride and to say thankyou for the work done. He then presented John Harms, Chairperson, Ad Hoc Building Standards Study Committee. JOHN HARMS noted that the Committee was appointed by the Council last October on recommendation by Mayor Pro Tem Snell and presented the following report:

"In September of last year we were appointed by the City Council to study housing standards problems in Austin. Since that time we have met weekly to investigate and discuss various areas requiring immediate attention; the increasing number of substandard houses in Austin, the lack of time limitations on permits, the lack of tenant recourse, the degradation of neighborhoods due to relocation of substandard homes into those neighborhoods, and more.

We identified the existing ordinance as central to these problems. It is unwieldy, and of such limited effectiveness that it has proven totally inadequate to meet the current needs of the City of Austin.

Therefore, in conjunction with the Building Inspection Department and the City legal staff, we have drafted the enclosed Ordinance. Very careful consideration has been given to each and every section of this ordinance and we urge that you do the same at your earliest convenience. We are unanimous in our recommendation to you that this Ordinance be adopted in whole to replace the existing ordinance."

Mr. Harms recommended that the housing inspection department be given adequate staff and budget with which to enforce the ordinance.

Councilmember Linn moved that the Council set a public hearing for March 31, 1977, at 11:00 a.m. for consideration of the proposed ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Pro Tem  
Snell, Councilmember Himmelblau  
Noes: None  
Not in Council Chamber when roll was called: Councilmember  
Lebermann, Mayor Friedman

#### TRANSIT ADVERTISING

Joe Ternus, Director of Urban Transportation, presented a brief summary to the Council on the survey taken concerning transit revenue advertising. The report is as follows:

"In October, 1976, the City Council requested that a transit advertising survey be conducted to provide information for re-evaluating current advertising policies. In addition, the Urban Transportation Commission asked for the opportunity to review and comment on the study and its policy recommendations.

While no major change in existing policy is suggested, it is proposed that all organizations currently receiving funds from the City of Austin annual budget be permitted to post public service messages on bus interiors. Displays are now restricted to transit information and announcements from organizations obtaining fifty percent or more of their financial support from the City. Also recommended is the encouragement of donations of benches and shelters by arranging for the recognition of donors.

On March 2, the Urban Transportation Commission voted to approve the report and recommend the adoption of the proposed advertising policies by the City Council. Please contact me if I can provide additional information on this report."

Councilmember Linn asked if the recommendation was against signs in buses. Mr. Ternus replied that the concensus was that the Austin Transit System should be promoted through the community and that advertising would be adverse. Councilmember Trevino questioned the revenue involved. Mr. Ternus told him it would cost approximately \$1,000 per bus to fix them for signs.

BARRY HOBRICK, President of Dallas Metalwork, asked to make some comments to the Council. He explained how the advertising firm pays for the frames for the ads, and that the City would receive a percentage of the revenue from advertising.

City Manager Davidson said this topic would be discussed at a later date and at that time there would be an outline of the disadvantages of advertising on buses.

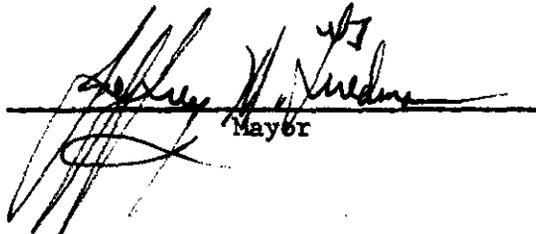
#### BRACKENRIDGE HOSPITAL ADVISORY BOARD REPORT

Jim Pfluger, Brackenridge Hospital Advisory Board, thanked the Council for their previous action and continued study. He said the committee looked forward to Phase II of the Study of Hospital Care Systems and they would be bringing more reports to the Council.

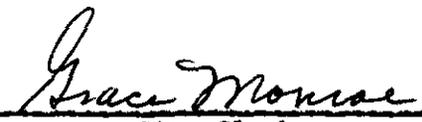
#### ADJOURNMENT

The Council meeting was adjourned at 10:15 p.m.

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk